IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

WP(C).No. 37193 of 2007(C)

PETITIONER:

JAYACHANDRAN V.V., S/O. VELAYUDHAN,
AGED 44 YEARS, VILAKKATTU VEEDU,
VADAKADATHUKAVU, ERATHU VILLAGE, ADOOR TALUK.

BY ADV. SRI.BECHU KURIAN THOMAS.

RESPONDENT:

VISHNU MOHAN,
GOKULAM, AYYAMKOICKAL MURI, ERATHU VILLAGE,
ADOOR.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No.37193 OF 2007

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Dated this the 17th day of December 2007

JUDGMENT

This writ petition is preferred against the order of the Sub Court, Pathanamthitta in I.A.No.1062 of 2007 in O.S.No.75 of 2005. The suit is one for realisation of the amount due under six cheques. The alleged executant is no more. It is contended by the legal representatives that he had not issued any such cheques and the cheque leaves were lost from the custody which had been used by the plaintiff for the purpose of filing the suit. For the purpose of finding the truthfulness of the signature, the court has directed the matter to be referred to the finger print and handwriting experts to find out the correctness of the signature. So, in order to appreciate the matter properly there must be a comparison of the signature with the admitted signature which must be either anterior in point of time or contemporary in point of time.

Therefore, I direct the court below to direct the defendants in the case to produce the documents which contains the signature of the alleged executant within one or two years prior to the execution of the alleged

cheques. It is always desirable that it must be either in the form of a registered document or some documents kept by the bank so that there is no possibility of any tampering with the signature. The court may also hear the plaintiff in the case before selecting the signature which is to be sent for comparison along with the disputed signature.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-